REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Claims 23-38 and 42-46 have been amended. Support for the amendments is provided for example in claims 25, 27, 36, and 37, Applicants' Fig. 9, and paragraphs [0096]-[0098] of Applicants' published specification. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 23-37 and 39-46 were rejected, under 35 USC §103(a), as being unpatentable over Wu et al. (US 2002/0122383). Claim 38 was rejected, under 35 USC §103(a), as being unpatentable over Wu in view of Paulraj et al. (US 6,377,632). To the extent that these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse as follows.

Claim 23 defines:

> *A transmission method comprising:*
>
> *outputting, from a transmission apparatus with a plurality of antennas, one of a first data sequence comprising a first plurality of signals representing a same data and a second data sequence comprising a second plurality of signals representing varying data, the one of the first data sequence and the second data sequence being output according to a frame generation instruction signal including a symbol reporting a method of transmitting transmission signals;*
>
> *selecting, from a plurality of modulation schemes, a modulation scheme for modulating the first data sequence or the second data sequence, and modulating one of the first data sequence and the second data sequence using the selected modulation scheme; and*
>
> *transmitting the modulated first data sequence or the modulated second data sequence from the plurality of antennas, wherein:*
>
> *the one of the first data sequence and the second data sequence that is output is selected using a first time interval that is longer than a second time interval that is used*

to select the modulation scheme.

Thus, claim 23 provides a transmission method that selects a data sequence to output using a first time interval that is longer than a second time interval used to select a modulation scheme. The selected data sequence is either signals representing the same or varying data.

Wu provides no disclosure regarding a relationship between a time interval for selecting a modulation scheme and a time interval for selecting a data sequence of signals representing the same or varying data. Thus, Wu cannot disclose Applicants' claimed subject matter of selecting a data sequence, of signals representing the same or varying data, to output using a first time interval that is longer than a second time interval used to select a modulation scheme.

The claimed subject matter provides an advantage of improving both reception quality and transmission speed by changing a transmission method (e.g., data sequence) at a longer time interval than the time interval for changing a modulation scheme, given that a channel model may vary over a long period of communication (see paragraph [0228] of Applicants' published specification).

Accordingly, the Applicants submit that the teachings of Wu, even if applied as proposed in the Office Action, still would lack the above-noted subject matter of claim 23 and thus Wu does not render obvious the subject matter now defined by claim 23. Independent claims 33, 34, and 43 now similarly recite the above-mentioned subject matter distinguishing method claim 23 from Wu's disclosure, but with respect to apparatuses. Therefore, allowance of claims 23, 33, 34, and 43 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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JEL/DWW/att

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